

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:25-cv-00117

Miranda Wilt,
Plaintiff,

v.

Whitehouse Police Department et al.,
Defendants.


ORDER

Plaintiff Miranda Wilt filed this lawsuit against several defendants, including Whitehouse Police Department and its officers. Doc. 1. The court referred the matter to a magistrate judge. Plaintiff amended her complaint to add the City of Whitehouse as a defendant in place of the Police Department, Doc. 10-2, but she failed to effectuate proper service on the City. The magistrate judge issued a report and recommendation that Whitehouse's Rule 12(b)(5) motion to dismiss (Doc. 13) be granted in part and denied in part. Doc. 16. The magistrate judge reasoned that the proper remedy for insufficient service is to quash plaintiff's previous service attempt and allow her an opportunity to properly serve the City, not to dismiss her claims. Doc. 16 at 3. Plaintiff responded to the report, stating that she does not object to the report's conclusion and that she intends to serve the Mayor of Whitehouse in accordance with the recommendation, Doc. 19, which she then did, Doc. 21. Neither party filed any objections to the report, and the deadline for doing so has passed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report (Doc. 16), and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Whitehouse's motion to dismiss (Doc. 13) is granted only to the extent that it

seeks to quash plaintiff's previous attempt at service. The motion (Doc. 13) is otherwise denied. Plaintiff's previous service attempt on the City of Whitehouse is quashed. So long as plaintiff's subsequent service on the City complied with federal and state law, that service is effective and the City is now properly named as a defendant.

So ordered by the court on July 21, 2025.



J. CAMPBELL BARKER
United States District Judge